



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Casimer M. DeCusatis, et al.

Examiner: Nathan M. Curs

Serial No.: 09/976,725

Group Art Unit: 2633

Filed: October 12, 2001

Docket: FIS920010131US1(14564)

For: OPTICAL POWER CONTROL MONITOR
FOR MULTIPLE WAVELENGTH
FIBER-OPTIC NETWORKS

Dated: November 18, 2004

Confirmation No.: 2486

LETTER TRANSMITTING TERMINAL DISCLAIMER

Sir:

Applicants hereby transmit a Terminal Disclaimer relative to the above-captioned application. Any fees for submission thereof may be charged to Deposit Acct No. 09-0458/IBM.

A duplicate copy of this paper is being enclosed.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Alexandria, VA 22313-1450 on November 18, 2004.

Dated: November 18, 2004

John S. Sensny
John S. Sensny

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

FIS920010131IS1 (14564)

In re Application of: Casimer M. DeCusatis, et al.

Application No.: 09/976,725

Filed: October 12, 2001

For: **OPTICAL POWER CONTROL MONITOR FOR MULTIPLE WAVELENGTH FIBER-OPTIC
NETWORKS**

The owner*, International Business Machines Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/963,258, filed on September 26, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Registration No. 28,757

3. Please charge IBM Deposit
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John S. Sensny 11/18/04
Signature Date

John S. Sensny

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(516) 742-4343

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